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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,499	01/07/2002	John M. Harris	CE09179R	7019
22917	7590	04/28/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			NGUYEN, BRIAN D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/042,499

Applicant(s)

HARRIS ET AL.

Examiner

Brian D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 8 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: In lines 1 and 3, it is suggested to change "the logic unit" and "a final data frame" to --the logic circuitry-- and --the final data frame--, respectively.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (6,718,500) or the admitted prior art (APA) (pages 1-2 of the specification) in view of Del Prado et al (2003/0123405).

Regarding claim 8, both Lee and the APA disclose a method for data transmission, the method comprising the steps of: receiving a plurality of data frames; determining that a data frame was improperly received; sending a negative acknowledgment (NAK) in response to the determination that the data frame was improperly received; and receiving an idle frame (see, for example, col. 1, lines 42-62 in Lee's reference and pages 1-2 of the APA). Both Lee and the APA do not specifically disclose sending an acknowledgment (ACK) in response to the received idle frame. However, sending a ACK upon successfully reception of a frame is well known in the art. Del Prado et al discloses the use of this well known feature (see paragraph 0050). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send an ACK frame upon successfully reception of the frame of a type, such as an idle frame, that requires acknowledgement as taught by Del Prado et al in the system of Lee or the APA in order to notify the transmitting device of the successful reception of the frame.

Regarding claims 16-18, both Lee and the APA disclose a remote unit comprising: receiving circuitry for receiving data frames and idle frames; and an ACK/NAK generator coupled to the receiving circuitry for generating a NAK in response to poorly received frames, wherein the idle frames have a sequence number incremented from the final data frames transmitted, and wherein the NAK comprises a sequence number for a frame not received by the remote unit (see, for example, col. 1, lines 42-62 in Lee's reference and pages 1-2 of the APA). Both Lee and the APA do not specifically disclose generating an ACK in response to idle frames

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received. However, generating a ACK upon successfully reception of a frame is well known in the art. Del Prado et al discloses the use of this well known feature (see paragraph 0050).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to generate an ACK frame upon successfully reception of the frame of a type, such as an idle frame, that requires acknowledgement as taught by Del Prado et al in the system of Lee or the APA in order to notify the transmitting device of the successful reception of the frame.

#### ***Allowable Subject Matter***

5. Claims 1-7, 9-11, and 13-15 are allowed.
6. Claim 12 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 8 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miklos (6,621,796) discloses sending ACK and NACK frames and Davis et al (6,781,971) discloses transmitting idle frames.

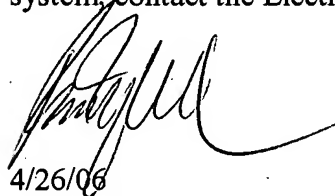
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/26/06

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**